

PATENT

*Handwritten initials and number 2-2*

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Docket No.: ARUMI

|                                 |                               |
|---------------------------------|-------------------------------|
| In re PATENT Application of:    | )                             |
| JOSE GARCIA ARUMI ET AL         | ) Examiner: Jessica R. Baxter |
| Appl. No.: 09/935,869           | ) Group Art Unit: 3731        |
| Filed: August 23, 2001          | )                             |
| For: MICRO SURGICAL INSTRUMENT) | )                             |

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TECHNOLOGY CENTER R3700

INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

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|---|---|
| I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450", on <u>January 23, 2004</u><br>(Date) |   |
| <u>URSULA B. DAY</u><br>Name of Registered Representative   |   |
| <i>[Signature]</i><br>Signature   | <u>Jan. 23, 2004</u><br>Date of Signature |

S I R:

In accordance with 37 C.F.R. 1.56, applicant wishes to call the attention of the Examiner to the following references A) to F) which were cited in the European Search Report issued by the European Patent Office with regard to the corresponding European patent application No.: EP 02 40 5590. Applicant does not admit that any of the cited documents constitutes prior art against the pending application.

01/20/2004 CNGUYEN 00000065 09935869

02 FC:1806

180.00 OP

| Country:   | Patent or<br>Appl. No: | Patentee or<br>Applicant: | Issue or<br>Filing Date: |
|------------|------------------------|---------------------------|--------------------------|
| A) PCT     | WO 01 37767 A          | MAAG et.al.               | May 31, 2001             |
| B) GERMANY | DE 195 33 856 A        | BALAZS MATTIAS            | March 20, 1997           |
| C) USA     | US 5 893 873 A         | WALSH et al               | April 13, 1999           |
| D) USA     | US 6 254 530 B1        | Ryan JR EDWIN H           | July 3, 2001             |
| E) EUROPE  | EP 1 201 193 A         | ALCON GRIES.              | May 2, 2002              |
| F) EUROPE  | EP 1 325 710 A         | ALCON GRIES               | July 9, 2003             |

Copies of these references are submitted herewith along with form PTO-1449. The Examiner is requested to initial the attached form PTO-1449 and to return a copy of the initialed document to the undersigned as an indication that the attached references have been considered and made of record.

- [ ] This Information Disclosure Statement is filed within three months of the filing date of a national application other than a continued prosecution application under 1.53(d), so that no fee under 37 C.F.R. §1.97 is due.
- [ ] This Information Disclosure Statement is filed within three months of the date of entry of the national stage as set forth in 1.491 in an international application, so that no fee under 37 C.F.R. §1.97 is due.
- [ ] This Information Disclosure Statement is filed before the mailing of a first Office Action on the merits, so that no fee under 37 C.F.R. §1.97 is due.
- [ ] This Information Disclosure Statement is filed before the mailing of a first Office Action after the filing of a request for continued examination under §1.114, so that no fee under 37 C.F.R. §1.97 is due.

- ☐ This Information Disclosure Statement is filed after the issuance of a first office but before issuance of a final action under §1.113, or a notice of allowance under §1.311.
- ☒ This Information Disclosure Statement is submitted after the mailing of a final action or a notice of allowance, but before payment of the issue fee.
- ☐ The undersigned submits the following statement requesting consideration of this statement:

The undersigned hereby states:

- ☐ That each item of information contained in the information disclosure statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the information disclosure statement;
- ☐ That no item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the statement after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in §1.56(c) more than three months prior to the filing of the information disclosure statement.
- ☒ The fee of \$180.00 set forth in 1.17(p).
- ☐ The Commissioner is hereby authorized to charge the fee as set forth in 1.17(p), and any additional fees which may be required, or credit any overpayment to Deposit Account No. 06-0502.

[ ] The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 06-0502.

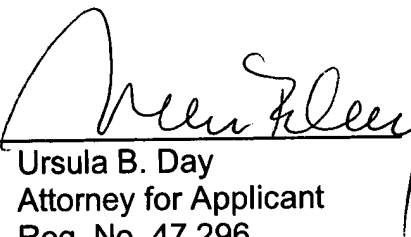
In order to satisfy the requirement under 37 C.F.R. §1.98(a)(3) for a concise explanation of the relevance of each item of information, applicant herewith submits a copy of the European Search Report together with a translation of the relevant pages thereof. In addition, applicant notes with respect to any information that is not in English language as follows:

The above-identified application discloses and claims an invention patentable over this prior art.

Entry of the references above set forth into the file of the above application is believed to be in order and is respectfully requested.

The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 06-0502.

Respectfully submitted

By:   
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Form PTO-1449

U.S. Department of Commerce  
Patent and Trademark Office

## INFORMATION DISCLOSURE CITATION

|                                    |                              |                                   |
|------------------------------------|------------------------------|-----------------------------------|
| Attorney's Docket No.<br><br>ARUMI | Applicant<br><br>ARUMI et al | Appl. No.<br><br>09/935,869       |
| Filing Date<br><br>08-23-2001      | Group<br><br>3731            | Examiner<br><br>BAXTER, JESSICA R |

## U.S. PATENT DOCUMENTS

| Examiner Initial | Document Number | Date     | Name        | Class | Subclass | Filing Date, if appropriate |
|------------------|-----------------|----------|-------------|-------|----------|-----------------------------|
|                  | 5,893,873 A     | 04-13-99 | RADER et al |       |          |                             |
|                  | 6,254,530 B1    | 07-03-01 | RYAN JR     |       |          |                             |
|                  |                 |          |             |       |          |                             |
|                  |                 |          |             |       |          |                             |

## FOREIGN PATENT DOCUMENTS

|  | Document Number  | Date     | Country | Class | Subclass | Translation |
|--|------------------|----------|---------|-------|----------|-------------|
|  | WO 01/37767 A1   | 05-31-01 | PCT     |       |          | no          |
|  | DE 195 33 856 A1 | 03-20-97 | Germany |       |          | no          |
|  | EP 1 201 193 A1  | 05-02-02 | Europe  |       |          | no          |
|  | EP 1 325 710 A2  | 07-09-03 | Europe  |       |          | no          |
|  |                  |          |         |       |          |             |
|  |                  |          |         |       |          |             |
|  |                  |          |         |       |          |             |
|  |                  |          |         |       |          |             |
|  |                  |          |         |       |          |             |

## OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)

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Examiner:

Date considered:

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\*Examiner: Initial if citation considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.